

Appendix EE:  
Subdivision Regulations, Waivers

- (j) **Correction Plats:** The Department of Planning and Zoning may administratively approve corrections or revisions to previously recorded plats which do not change the number of lots or the lotting plan. The addition or modification of any public or private easements must be processed as a correction plat and recorded in the land records of Howard County, with the exception of revertible easements and easements for on-site sewage disposal systems.
- (k) **Fees:** Fees for the processing of plans pursuant to this Subtitle shall be established by the County Council with recommendations from the Department of Planning and Zoning. The Department of Planning and Zoning may refund any portion of fees if the Director determines an error was made in collecting the fee.

#### **Section 16.104. Waivers.**

- (a) **Authority To Grant:** So that substantial justice may be done and the public interest secured, the Department of Planning and Zoning may grant waivers of the requirements of this Subtitle in situations where the Department finds that extraordinary hardships or practical difficulties may result from strict compliance with this Subtitle or determines that the purposes of this Subtitle may be served to a greater extent by an alternative proposal.
- (b) **Conditions Under Which Waiver May Be Granted:** The Department of Planning and Zoning may approve a waiver to a provision of this Subtitle provided that:
  - (1) The developer has presented a petition demonstrating the desirability of a waiver. If the County requests additional justifying information, the information must be submitted within 45 days of the Department's letter of request. If the information is not submitted by the deadline, the Department shall deny the petition.
  - (2) The waiver shall not have the effect of nullifying the intent and purpose of this Subtitle;
  - (3) Within 30 days of the date of the Department's decision letter regarding a Waiver Petition, the developer may submit additional information to support a request for the Department to:
    - (i) modify any approval conditions;
    - (ii) reverse the Department's denial; or
    - (iii) add or delete specific waiver requests.
  - (4) After 30 days, requests for reconsideration will require a new petition for a waiver and payment of fees in accordance with the adopted fee schedule.

- (5) Any waiver to the minimum requirements of this Subtitle in regard to a particular subdivision or development shall be appropriately noted on the final plat or site plan.
- (c) *Period of Validity:* The Waiver Petition, if approved, will remain valid for 12 months from the date of approval or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of Section 16.144 of this Subtitle. Subdivisions or site developments which fail to meet the processing requirements will be required to submit a new waiver request. Waivers granted to extend time limits for plan processing will remain valid for the time duration specified.

#### Section 16.105. Appeals.

- (a) *Appeal to Board of Appeals:* A person aggrieved by an order of the Department of Planning and Zoning may, within 30 days of the issuance of the order, appeal the decision to the Board of Appeals.
- (b) *Appeal to Circuit Court:* The decision of the Board of Appeals may be appealed to the Circuit Court for Howard County in accordance with Section 501 of the Howard County Charter.

#### Section 16.106. Enforcement.

- (a) *In Violation of Approved Plan or Failure to have Approved Plan:* If property is developed, used, or maintained in violation of or without obtaining an approved final plan or site development plan, the County shall institute appropriate action to compel compliance. In addition to and concurrent with all other remedies, the County may enforce the provisions of an approved final plan or site development plan with civil penalties pursuant to the provisions of Title 24, "Civil Penalties," of this Code and Subtitle 16 of this Title. A violation shall be a Class B offense under Title 24 of this Code or an offense subject to a fine in the amount set forth in Section 16.1608 of this Title.
- (b) *Transferring Land Prior to Subdivision Plan Approval:*
  - (1) The County may enforce the provision which prohibits the transfer or sale of lots in a proposed subdivision before final plat approval and recordation with civil penalties pursuant to the provisions of Title 24, "Civil Penalties," of this Code. A violation shall be a Class A offense.
  - (2) The County may enjoin such a transfer or sale by action for injunction brought in any court of equity jurisdiction.
  - (3) In addition to the foregoing the County may institute and maintain a civil action to set aside and invalidate any conveyance made in violation of the prohibition on transferring lots in an unapproved or unrecorded subdivision.